

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**KENNETH FRILANDO,**

**Plaintiff,**

**v.**

**METROPOLITAN TRANSIT AUTHORITY, NEW  
YORK CITY TRANSIT AUTHORITY, and  
MANHATTAN AND BRONX SURFACE  
OPERATING AUTHORITY,**

**Defendants.**

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**18-CV-5204 (LGS)**

**DECLARATION IN SUPPORT OF  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

ALEXIS DOWNS an attorney duly admitted to practice in the State of New York, declares under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an Executive Agency Counsel in the Office of the General Counsel for the New York City Transit Authority, attorney for defendants New York City Transit Authority and Manhattan and Bronx Surface Transit Operating Authority (together, "Defendants") in this action. I submit this declaration in support of Defendants' motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure.

2. The documents listed below are provided in support of Defendants' motion for summary judgment and consist of transcripts of deposition testimony, documents and electronically stored information produced by the parties, and other material that is part of the records in this matter.

Exhibit "A"	Excerpts of the deposition testimony of Plaintiff Kenneth Frilando, taken March 21, 2019 ("Pl. Dep.").
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Exhibit "B"	Excerpts of the deposition testimony of Robert Alexander, taken March 13, 2019 ("Alexander Dep.").
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Exhibit "C"	Excerpts of the deposition testimony of Michael Quiery,
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taken February 13, 2019 (“Quiery Dep.”).

Exhibit "D"	DCAS Memorandum of Understanding (“MOU”)
Exhibit "E"	Instructions for Exam Accommodation Requests (“Special Circumstances”), Bates Nos. DEFENDANTS 000022-DEFENDANTS 000024.
Exhibit "F"	Notice of Examination, Train Operator, Exam No. 7604
Exhibit "G"	Notice of Examination, Bus Operator, Exam No. 7105
Exhibit "H"	Notice of Examination, Track Worker, Exam No. 8600
Exhibit "I"	DCAS General Examination Regulations
Exhibit "J"	Excerpts from Job Analysis Reports
Exhibit "K"	Plaintiff’s Resume, Bates Nos. PLA000035-PLA000036.
Exhibit "L"	Email correspondence between Plaintiff and the Exam Unit, Bates Nos. PLA000024 – PLA000026.
Exhibit "M"	Letter from Plaintiff’s doctor
Exhibit "N"	EEOC Charge of Discrimination (Intake Questionnaire)
Exhibit "O"	Email correspondence from Exam Unit to Plaintiff, dated August 31, 2018, Bates No. PLA000001

Dated: Brooklyn, New York  
July 29, 2019

By: s/ Alexis Downs  
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